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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,585	12/28/2000	Robert C. Phillips	205469	6507

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LEYDIG VOIT & MAYER, LTD  
TWO PRUDENTIAL PLAZA, SUITE 4900  
180 NORTH STETSON AVENUE  
CHICAGO, IL 60601-6780

EXAMINER

STEVENS, ROBERTA A

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/750,585

Applicant(s)

PHILLIPS ET AL.

Examiner

Roberta A Stevens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-7, 10, 13-17, 20, 21 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Baji (U.S. 5027400).

2. Regarding claim 1, Baji teaches (figure 1-6) a non-volatile data storage interface unit, for use in an information distribution system configured to distribute information assets stored upon a non-volatile data storage to users (subscribers) via a dynamic data transmission path including a cell-based switching fabric, the interface unit comprising: a cell transceiver (cell assembler) connectable to a cell-based switching fabric (ATM exchange) facilitating transfer of data cells between the non-volatile data storage interface unit and the cell-based switching fabric, the cell transceiver comprising; a cell transmitter (105, 132, 186) coupled to an output of the non-volatile data storage interface unit and comprising a raw data to cell data formatting circuit; and a cell receiver (110) coupled to an input of the non-volatile data storage interface unit and comprising a cell data to raw data formatting circuit; and a first non-volatile data storage controller (155) interposed between the cell transceiver and the non-volatile data storage, the non-volatile data storage controller comprising circuitry for retrieving and forwarding raw data from the non-volatile data storage to the cell transmitter; and receiving and storing raw data from the cell receiver to the non-volatile data storage.

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3. Regarding claims 2-3 and 14, Baji teaches (figure 1-6) a buffer controller coupled to the non-volatile data storage controller.
4. Regarding claims 4 and 15, Baji teaches (figure 1-6) the switching fabric is ATM
5. Regarding claims 5 and 16, Baji teaches (figure 1-6) the switching fabric is a connection-oriented fabric.
6. Regarding claim 6, Baji teaches (figure 1-6) the cell transmitter is coupled to a plurality of non-volatile data storage controllers (107, 108, 109) including the first non-volatile data storage controller.
7. Regarding claims 7 and 17, Baji teaches (figure 5A-5P and col. 4, lines 19-43) circuitry for generating a header for a cell.
8. Regarding claims 10 and 21, Baji teaches (figure 1-6) circuitry (110) processing a header for a cell received from the switching fabric.
9. Regarding claim 13, Baji teaches (figure 1-6) a method for transmitting data within an information distribution system configured to distribute information assets stored upon a non-volatile data storage to users (subscribers) via a dynamic data transmission path including a cell-based switching fabric; comprising: receiving, by a

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receiver (110), a data storage asset read command from the switching fabric; passing, by the receiver to a non-volatile data storage controller (155) the command; receiving from the storage controller by the data storage controller new data corresponding to the command; first transmitting the raw data to a transmitter circuit (186); packaging, by the cell transmitter, the raw data within cells for transmission on the switching fabric; and second transmitting, by the cell transmitter circuit, the cells to the switching fabric.

10. Regarding claim 20, Baji teaches (figure 1-6) a method for transmitting data within an information distribution system configured to distribute information assets stored upon a non-volatile data storage to users (subscribers) via a dynamic data transmission path including a cell-based switching fabric; comprising: receiving, by a receiver (110), connected to the switching fabric, a data storage asset read command from the switching fabric; passing, by the receiver to a non-volatile data storage controller (155) connected to the receiver, the command; receiving, by the cell receiver, data cells specifying a had disk address and raw data; extracting by the cell receiver, the raw data from the data cell; transmitting by the receiver, the raw data to the storage controller; and storing, by the storage controller connected to the storage, the raw data.

11. Regarding claim 24, Baji teaches (figure 1-6) buffering, by the storage controller, the raw data from the data cells prior to storing.

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***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 8, 9, 11, 12, 18, 19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baji.

14. As for a CRC and HEC generator, it would have been obvious to one of ordinary skill in this art to adapt to Baji's system these error check methods as to ensure quality of service within the system..

***Conclusion***

15. Any inquiry concerning the communication or earlier communications from the examiner should be directed to Roberta Stevens whose telephone number is (703) 308-6607. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:30 p.m.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached on (703) 308-6602.

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17. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

18. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:** (703) 872-9306

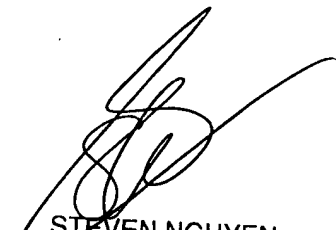
For informal draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Roberta A. Stevens

Patent Examiner

06-14-04



STEVEN NGUYEN  
PRIMARY EXAMINER